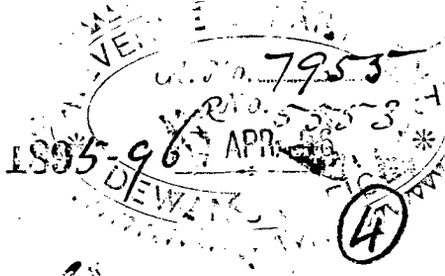

2nd Counciller's note on letter no. D. 1011 d 16-4-96 from the Dy Comr. Bangalore.

Section 31 gives powers of fining & otherwise punishing. Section 32 requires the order to be reduced to writing and also provides for appeals. Section 33 lays down the limit of fine & Section 34 prescribes the mode of recovery.

There is no provision

(Contd. in Page 2)

G. R. S. 58]

Previous references.

1894-95
~~191~~

File No. 197

Serial Nos. 1-4

(Land Revenue)

Later references.
LA 298 of 97
LA 312 of 00

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Part B for Aug 98

SUBJECT.

Refund of one rupee to the Shirastadar of Magadi

Indexed
apprai

(Continuation)

W D 1351—GPB—20,000—15-12-15

11

A 3

The proposition that "there can be no qn. of an Officer's power to refund a departmental fine imposed by himself" does not carry its own axiomatic truth or correctness. Judl punishments do not vary in their nature from departmental punishments. If such power is denied in one instance I do not see why it should be in the other. The recognition of such power will lead to the exercise of the ~~[illegible]~~ authority to punish in a rash & hasty manner. I would on the whole make a reply & recommendation to appellate authority in ~~the~~ such matters necy. This may be placed before the Dewan, but in the meantime the refund bill may be passed as it has been long pending.

27.7.98

uled to Dewan P
12/8/98.

768

Do so & then submit to Dewan P
27-7-98

There can be no question of an officer's power to refund a Dept fine imposed by himself — The orders of 21 Oct '93 in Chief's Sentences of fines on persons can only apply to fines under the law.

23/9/97

Subd. to [illegible]

24-9-97

17.15 P.m.
.9.97. Make my own doubts in the matter

sion against the decision of the order by the officer making it. Such decisions are almost of daily occurrence. By Collectors & other officers fine [illegible], [illegible], Deputies & other Rev officers but on reconsideration; they often remit such fines. I submit that the law did not contemplate the taking away of this power from them & the receipt of an appeal in every such case. There is much force in Para 2 of the Dy Collector's letter, supplemented as it is by long practice. The order of 21st Octr 1893 relates only to Refund bills. Before the date of that order every refund bill had to be submitted to Govt for sanction. That order directs the discontinuance of the practice except as to all Bills in respect of fines imposed by the Dy Commr. In the present case, the fine was imposed by the Dy Commr who subsequently remitted it. Fine however it was recovered & credited to Govt. the refund bill has come up to Govt for sanction. If the fine had not been levied & credited the matter would not have come up before Govt at all.

C.
16/5/96.

The authority to fine is now derived from a statutory provision, & in the absence of a provision in that statute authorizing the officer imposing the fine also to remit it, the proper presumption will be in favour of the ~~absence~~ discontinuance of such power rather than of its existence or continuance. On principle also it seems to be right that an officer should not play fast & loose with his power to punish his subordinates. The consciousness of retaining such a power will tend to the rash & inconsiderate exercise of it. I am rather ~~[illegible]~~ disposed to hold or lay down that when once a fine is imposed it should not be remitted except under the orders of the officer's appellate authority. I shall however be glad to be enlightened by the views of the Dewan.

27.1.97

Seen & [illegible]
28-1-97

Rec 7/3/95

[illegible]

~~[illegible]~~

R.3
28/3/95

Section DR
File No 97 of 84
Serial No 1

Gen. Serial No. 31.]

OFFICE
11199
189 95
R 3079

From The Dy. Commissioner
Bangalore

(2)

To
Chief
The Secretary to the
Dewan of Mysore.

Dated 2nd March 1895.
Despatched — Do
Received

Enclosures—No. 1 a file
of 7 papers

General No.
D No. 1041

I have the honor to submit a bill for the refund of one rupee to Krishnaswami Iyer late acting Sharastadar of Magadi.

2. Krishnaswami Iyer was fined a rupee in June 894 for delay in submitting certain accounts and vouchers connected with district funds and the amount was deducted from his pay for June 894. He since submitted his

②

⑧

No 16984 / 27-9-94 D/ 8-4-95 / 10

Re H.O.P.

D.R. 197 of 94

Mr. Krishnasawmi Iyer's Submitting satisfactory explanation in the matter

---

Order thereon.

ection 31, to 34 of the and Rev code deal with a Revenue officer's power to fine a subordinate official but the power to remit a fine once imposed is not reserved to the same authority. The rules published under the L. R. Code do not seem to contain a provision applicable to this subject. The Dy Comr should state the authority under which he remitted the fine and to explain whether he has such power.

7.4.95

8/4/95

Offg Chf Secty

~~The refund bill for Rs 1-0-0 is sanctioned and passed on to the Comptroller for audit.~~

~~Offg Chief Secy~~

To

The Dy Commr,
Bangalore Distt returning ver: papers.

The Compt with the bill.

Subd to Mr

28/3/95

his explanation in the matter and as he had done his work otherwise satisfactorily, the fine was remitted. Hence the bill for its refund.

2. The record is enclosed.

K. Chari

for Dy. Commissioner

Draft for appl.

Read:

Docket No. 34. dated 2nd March 895 from the Deputy Commr. Bangalore District, submitting for sanction, a refund bill in favor of Krishnaswami Iyer, late acting Shiristadar of Magadi for 2-0-0 being the amount of fine imposed on him & deducted from his pay for June 1894 on account of ~~for~~ delay in submitting certain accounts and vouchers connected with the District Funds ~~but~~ & stating that the ~~which~~ fine was subsequently ~~ordered to be~~ remitted by ~~the Deputy Commissioner on~~

(11)

Prog. of the Govt. of Mysore

(5)

Section L Q
File No 197 of 94/4
Serial No

Read:-

Docket No. D. 1011 dated 16th April 1896, from the Dy. Commr. Bangalore District, submitting for sanction a refund bill for Re 1/- being the amount of fine imposed on Krishnaswamy Iyer, late acting Sheristadar of the Magadi Taluk but subsequently remitted by the Dy: Commissioner

No. 961-2 / Fl 103/4 d 4/4.8.98
In H.V.P.

Order thereon:-

The refund bill for Re 1/- is sanctioned and forwarded to the Comptroller for audit.

29-7-98

29/7/98
for Secy.

JB
28/7/98

To

The Dy: Commr. Bangalore Dist. with V. papers

" Comptroller with the bill

[illegible] the Records
[illegible].

After issue, the file has to be sent to the Records as directed by the Secty.

JB 18/7/98

5

Gen. 31]

No. 7953
R. No. 5553
APR 96
1895-96
DEWAN

(4)

From The Dy Commissioner,
Bangalore District,

To The Secretary to the Govt.
of Mysore.
Rev & Genl. Departments

Dated 16th
Despatched 18th April 1896
Received

General No.
D No. 1011

Enclosure No. 1 file

Government Proceedings ~~No.~~ 16984 dated 8th April
R.F. 9-94.
1895, calling for authority under which the fine imposed on the late acting Sheristadar of the Magadi Taluk was remitted and asking to explain whether the Deputy Commissioner had power to do so.

In reply, has the honor to state that the subject matter, refers to the period

Rev D 21/4
18/4/96

Reg.

Rt. Sub.
23/4.

Section L 62
File No. 1947 of 84
2
Serial No.

Submitted for the reference to the observations made by the 2nd Councillor in this office docket No 16984 of 8th April 95.
R.F. 9-94

23/4/96 — 24/4/96

Sub. draft for approval
26/7

Enclo: returned

Submitted

Submitted to 2nd Councillor with reference to his note of 7-4-95.

Section 31 gives powers of fining & otherwise punishing. Section 32 requires the order to be reduced to writing & also provides for appeals. Section 33 lays down the limit of fine; & Section 34 prescribes the mode of recovery.

There is no provision

when the late Mr. Shujaat Ali Khan was Deputy Commissioner. He seems to have taken upon himself to remit the fine imposed by him without obtaining sanction of Government. Vide Government order No 7254-62 / R.748 dated 21st October 1893.

2. In the absence of any ruling to the contrary, the undersigned believes that the authority who can fine can also remit the fine, on sufficient cause.

This is opposed to [illegible] R. of 21st Oct/93

Dy Commissioner